



Virginia
Regulatory
Town Hall

Final Regulation Agency Background Document

Agency Name:	120
VAC Chapter Number:	10
Regulation Title:	Public Participation Guidelines
Action Title:	Final
Date:	February 23, 2000

Please refer to the Administrative Process Act (§ 9-6.14:9.1 *et seq.* of the *Code of Virginia*), Executive Order Twenty-Five (98), Executive Order Fifty-Eight (99) , and the *Virginia Register Form, Style and Procedure Manual* for more information and other materials required to be submitted in the final regulatory action package.

Summary

Please provide a brief summary of the new regulation, amendments to an existing regulation, or the regulation being repealed. There is no need to state each provision or amendment; instead give a summary of the regulatory action. If applicable, generally describe the existing regulation. Do not restate the regulation or the purpose and intent of the regulation in the summary. Rather, alert the reader to all substantive matters or changes contained in the proposed new regulation, amendments to an existing regulation, or the regulation being repealed. Please briefly and generally summarize any substantive changes made since the proposed action was published.

The amendments make technical changes to this regulation so that it will apply to all regulatory programs that are under the authority of the Director of the Department of Professional and Occupational Regulation rather than a regulatory board. The result will be that the final regulation will apply to the newly created professional boxing and wrestling program, as well as to the polygraph examiners program, and to any future programs assigned to the Director.

Changes Made Since the Proposed Stage

Please detail any changes, other than strictly editorial changes, made to the text of the proposed regulation since its publication. Please provide citations of the sections of the proposed regulation that have been altered since the proposed stage and a statement of the purpose of each change.

The final regulations are identical to the proposed regulations as published. No changes were made.

Statement of Final Agency Action

Please provide a statement of the final action taken by the agency: including the date the action was taken, the name of the agency taking the action, and the title of the regulation.

On January 27, 2000, the Director of the Department of Professional and Occupational Regulation adopted a final regulation entitled "Public Participation Guidelines" (amending 18 VAC 120-10-170; and repealing 18 VAC 120-10-10 through 18 VAC 120-10-90).

Basis

Please identify the state and/or federal source of legal authority to promulgate the regulation. The discussion of this statutory authority should: 1) describe its scope and the extent to which it is mandatory or discretionary; and 2) include a brief statement relating the content of the statutory authority to the specific regulation. In addition, where applicable, please describe the extent to which proposed changes exceed federal minimum requirements. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority, shall be provided. If the final text differs from that of the proposed, please state that the Office of the Attorney General has certified that the agency has the statutory authority to promulgate the final regulation and that it comports with applicable state and/or federal law

Chapter 8.1 of Title 54.1 of the Code of Virginia creates the statutory authority for the Professional Boxing and Wrestling Events regulatory program and gives the Director of DPOR the powers of a regulatory board as found in § 54.1-201 of the Code of Virginia. Chapter 18 of Title 54.1 of the Code of Virginia creates the statutory authority for the Polygraph Examiners regulatory program. Both chapters mandate the Director of DPOR to promulgate regulations.

In addition, the Director is mandated by Chapter 1.1:1 of Title 9 of the Code of Virginia (Chapter 895 of the 1998 Session of the General Assembly effective July 1, 1998) to promulgate Public Participation Guidelines.

Purpose

Please provide a statement explaining the need for the new or amended regulation. This statement must include the rationale or justification of the final regulatory action and detail the specific reasons it is essential to protect the health, safety or welfare of citizens. A statement of a general nature is not acceptable, particular rationales must be explicitly discussed. Please include a discussion of the goals of the proposal and the problems the proposal is intended to solve.

The amendments to the regulations implement the new Professional Boxing and Wrestling Events regulatory program by revising the existing Public Participation Guidelines to cover all regulatory programs that are currently under the authority of the Director of DPOR rather than a regulatory board. The resulting regulations will apply to any future regulatory programs that may be assigned to the Director rather than to a regulatory board.

The purpose of the regulations is to assure that the public is provided adequate notice concerning each opportunity for participation in the development and promulgation of regulations.

Substance

Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. Please note that a more detailed discussion is required under the statement of the regulatory action's detail.

The key provisions of the final regulations change the current status of the law as follows:

Part I, which relates only to employment agencies, is repealed. The agency's authority to regulate employment agencies was repealed in 1996.

The Part II heading, Polygraph Examiners Public Participation Guidelines, is being deleted, thus allowing the guidelines to apply to Polygraph Examiners, Professional Boxing and Wrestling, and any future regulatory program which might be assigned to the Director rather than to a regulatory board.

Section 18 VAC 120-10-170 has been revised to add "or task force (committees)" as one of the instruments the agency may use to provide adequate participation by the public in the formation, promulgation, adoption and review of regulations. The words "advisory committee" were deleted and replaced by the word "committees" to reflect the provisions of the Professional Boxing and Wrestling Events Regulations (18 VAC 120-40-60) that empowers the appointment of an advisory group called the Professional Boxing and Wrestling Task Force.

Issues

Please provide a statement identifying the issues associated with the final regulatory action. The term "issues" means: 1) the advantages and disadvantages to the public of implementing the new provisions; 2) the advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, please include a sentence to that effect.

The primary advantage to the public is a mechanism, which would be implemented by the agency, that assures timely notification of regulation promulgation activity. No disadvantage to the public has been identified.

Public Comment

Please summarize all public comment received during the public comment period and provide the agency response. If no public comment was received, please include a statement indicating that fact.

No comments on the proposed regulations were received during the public comment period or at the public hearing.

Detail of Changes

Please detail any changes, other than strictly editorial changes, that are being proposed. Please detail new substantive provisions, all substantive changes to existing sections, or both where appropriate. This statement should provide a section-by-section description - or crosswalk - of changes implemented by the proposed regulatory action. Include citations to the specific sections of an existing regulation being amended and explain the consequences of the changes.

Part I, which relates only to employment agencies, is repealed. The agency's authority to regulate employment agencies was repealed in 1996.

The Part II heading, Polygraph Examiners Public Participation Guidelines, is being deleted, thus allowing the guidelines to apply to Polygraph Examiners, Professional Boxing and Wrestling, and any future regulatory program which might be assigned to the Director rather than to a regulatory board.

Section 18 VAC 120-10-170 has been revised to add "or task force (committees)" as one of the instruments the agency may use to provide adequate participation by the public in the formation, promulgation, adoption and review of regulations. The words "advisory committee" were deleted and replaced by the word "committees" to reflect the provisions of the Professional Boxing and Wrestling Events Regulations (18 VAC 120-40-60) that empowers the appointment of an advisory group called the Professional Boxing and Wrestling Task Force.

Family Impact Statement

Please provide an analysis of the regulatory action that assesses the impact on the institution of the family and family stability including the extent to which the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

No impact on families has been identified.